

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Arnold KELLER

Serial No.: 10/619,179

Filing Date: July 15, 2003

For: MULTI-PART CERVICAL
ENDOPROSTHESIS WITH INSERTION
INSTRUMENT (as amended)

Examiner: Anuradha Ramana

Group Art Unit: 3733

CONFIRMATION OF TELEPHONE INTERVIEW

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant is submitting this paper in order to make of record the telephone interview of September 7, 2007, in which the Examiner and the undersigned discussed the amendments to claims 1 and 3 that the Examiner will be implementing by Examiner's Amendment. The Examiner did not explain to the undersigned why she wished to make the amendments, which the undersigned was able to confirm after consultation with the applicant were acceptable. Applicant is filing this paper out of an abundance of caution and to make of record applicant's observation that neither of the amendments requested by the Examiner, the deletion of the words "at least" in claim 1 and the word "assigned" in claim 3, narrow claim scope in any respect. As a result, these amendments cannot be construed as creating prosecution history estoppel under the *Festo* case.

Applicant thanks the Examiner for her kind and careful attention to this application.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions

for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **246472005100**.

Respectfully submitted,

By: 
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Dated: September 10, 2007

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